

REMARKS

Claims 1, 3, 4, and 6-45 are pending in the subject application. After entry of the above amendment to the claims 1, 3, 4, 6-11, 13, 16 and 19 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

I. Claims 1, 4, 6, 8, 10, 13-19, 21-24, 27, 28, 30-36, and 38-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sievi-Korte (U.S. 2002/0066507). This rejection is respectfully traversed.

Sievi-Korte discloses a vehicle tire, and discloses that “the material that varies in colors with the temperature may be at least one part of at least one sidewall of the tire, at least one part of one tread wing of the tire, or both of these (Page 1, paragraph 10). Further Sievi-Korte discloses that the “material that varies in color with the temperature can obviously be located in the tire in any shape desired. The material may for instance occur as a suitable pattern on the tire surface, such as the manufacturer’s logo, as letters, or figures indicating the temperature, or in the form of stripes (Page 1, paragraph 11).

The embodiments shown in Figures 2, 3 and 4 have tire indicators utilizing less than five percent (5%) of the outer surface of the tire. Nowhere in the disclosure of Sievi-Korte does it disclose or suggest highly coloring a motor vehicle tire according to the claimed combination.

Further, Sievi-Korte does not disclose a tire having a colored photographic or digital image according to the claimed combination recited in independent claim 1 and all claims depending therefrom. Even further, Sievi-Korte does not disclosed a tire having a colored layer in combination with a colored photographic or digital image according to the claimed combination recited in independent claim 3 and all claims depending therefrom. Thus, Sievi-Korte does not teach or suggest the claimed invention.

II. Claims 1, 2, 4, 6-8, 10-21, 22, 24, 26, 28, 30-36, 38-41, 43-45 stand rejected under 35 U.S.C. 35 § 103(a) as being unpatentable over Rogal (DE 19613801). This rejection is respectfully traversed.

Rogal discloses a tire for a motor vehicle having side surfaces and/or tread surfaces colored with at least one pigment and/or a colored layer containing at least one pigment applied to the outside of the side surfaces. Preferably inorganic or organic pigments are used. The inorganic pigment is shiny, pearl, lustre or bright pigments (preferably florescent and/or phosphorescent) or optical brighteners. The color layer is applied as a motif or as a pattern formed from dots, lines or concentric shapes. Preferably different color strips are used extending radially with respect to the wheel axis. Patterns can be created which only become visible when a certain vehicle is reached, enabling the speed to be monitored visually by someone outside the vehicle. Rogal does not show any figures of the disclosed embodiment.

The patterns disclosed by Rogal are configured for visually monitoring the speed of the vehicle.

Rogal does not disclose a tire having a colored photographic or digital image according to the claimed combination recited in independent claim 1 and all claims depending therefrom. Further, Rogal does not disclosed a tire having a colored layer in combination with a colored photographic or digital image according to the claimed combination recited in independent claim 3 and all claims depending therefrom. Thus, Rogal does not teach or suggest the claimed invention.

III. Claims 1, 2, 4, 6-9, 21, 22, 25, 28-35, 37, 29 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creasey (U.S. 3,814,160). This rejection is respectfully traversed.

Creasey discloses a tread wear indicator 1 that is a constant distance from the tread surface between each rib at point 2. The tread wear indicator 1 does not become exposed until the material covering one or more points 2 become exposed. Clearly, there would be a minor coloration to the outside surface of the tire of Creasey when worn, since the depth of the treads is at approximately the upper points 2 of the wear indication layer 1. The exposed wear indicated layer 1 with color less than five percent (5%) of the outer surface of the tire before being disposed of. Thus, Creasey does not teach or suggest the claimed invention.

Creasey does not disclose a tire having a colored photographic or digital image according to the claimed combination recited in independent claim 1 and all claims depending therefrom. Further, Creasey does not disclosed a tire having a colored layer in combination with a colored photographic or digital image according to the claimed combination recited in independent claim 3 and all claims depending therefrom. Thus, Creasey does not teach or suggest the claimed invention.

IV. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazaki (U.S. 6,235,376). This rejection is respectfully traversed.

Miyazaki et al. discloses a display label including a display layer for displaying information that is formed by at least one of a picture pattern, a letter, a symbol, a photograph, a pattern and a bar code. It is noted that the display label according to Miyazaki, *et al.* can be used on a vehicle tire, however, the display label is small in size as shown by the examples in Figures 1, 2, 5, 6, 8, and 9.

The disclosure and claims of Miyazaki et al. are directed to a label, not a tire. The display label can be used on a tire, which is an application of the display label. Further, the display label of Miyazki et al. is essentially two (2) dimension or substantially flat, and can only be applied to a tire if substantially small. A special three(3) dimensional label that is both curved and partially or fully annulus in shape would be required to label a significant portion of the outer sidewall of the tire. Such a label is not taught or suggested by Miyazaki et al.

• Miyazaki et al. does not disclose a tire having a colored photographic or digital image according to the claimed combination recited in independent claim 1 and all claims depending therefrom. Further, Miyazaki et al. does not disclosed a tire having a colored layer in combination with a colored photographic or digital image according to the claimed combination recited in independent claim 3 and all claims depending therefrom. Thus, Miyazaki et al. does not teach or suggest the claimed invention.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance, and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that my otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

KLIMA LAW OFFICES, P.L.L.C.

A handwritten signature in black ink, appearing to read 'William L. Klima', written in a cursive style.

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